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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,383	01/02/2004	Wilhelm Bollhoefer	Q78971	9130
23373	7590	08/10/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				INGBERG, TODD D
		ART UNIT		PAPER NUMBER
		2193		

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/749,383	BOLLHOFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/13/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

Claims 1 – 11 have been examined.

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement filed July 13, 2004 has been considered.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the overall process of the invention as claimed, should be present in at least a flow chart, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet”

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Legal words like method should be deleted.
4. The Abstract has legal words (in the first sentence), should be removed.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is an interface analysis tool which is not a tangible result because the result is not clearly claimed to be tangibly embodied on a computer readable medium. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

[<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf>](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)

***Common Knowledge of One of Ordinary Skill in the Art***

6. The Examiner hold that one of ordinary skill in the art prior to filing would posses the knowledge of object oriented technology. Specifically, the concept of messaging. The Examiner has made of record a section of a primer text book on the topic. Object-Oriented Information Systems Planning and Implementation, by David A. Taylor, published April 10, 1992, pages 49-56.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1- 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN# 5,539,909 **Tanaka et al.** issued July 23, 1996 and filed April 19, 1993 in view of **Inside CORBA Distributed Object Standards and Applications**, by Thomas J. Mowbray et al, 1997

**Claim 1**

**Tanaka** anticipates a method for processing data in a data processing system where the system comprises at least one of a plurality of data processing units (**Tanaka**, methods of the objects figure 4 # 421 ) and a plurality of operator (**Tanaka**, name of methods Figure 5 #521 ) and observation units (**Tanaka**, Figure 8, #84 Link Operation routine ), all of which are interconnected via a data transmission unit (**Tanaka**, Figure 8 #83), wherein a respective data processing program with associated function modules (**Tanaka**, ) and data modules is implemented on each of the data processing units (**Tanaka**, attributes of the object Figure 8 # 812), the method comprising: storing at least one identifier for each module in a conversion table belonging to the respective data processing unit (**Tanaka**, Figures 5 and 6 show conversion based on external and internal ID);

enabling a first data processing unit from among the plurality of data processing units to access a data module or a function module of a different (**Tanaka**, methods above), second, data processing unit by providing the conversion table in such a way that retrieval of the

respective data module (Tanaka, methods above) or function module is performed on the basis of the first data processing unit using an external identifier which characterizes the access;

determining whether the conversion table includes an internal identifier corresponding to the external identifier (Tanaka, internal figure 8 Link ID external procedure name #534);

processing the data module or the function module of the respective data processing unit if a corresponding internal identifier is included in the conversion table for the respective external identifier (Tanaka, Figures 6E and 6F ); and

leaving the data module or the function module of the respective data processing unit unprocessed if a corresponding internal identifier is not included in the conversion table for the respective external identifier (CORBA, page 250, exception handling).

Tanaka teaches object oriented messaging in distributed object systems such as CORBA (col 1, lines 50 - 55), But Tanaka does not explicitly teach the exception handling of CORBA used when a call fails. It is CORBA who teaches the exception handling (CORBA, page 250). therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Tanaka and CORBA because exception handling allows for "... identifying both system-level and application-specific-errors." (CORBA, page 249).

### **Claim 2**

A method as claimed in claim 1, wherein the at least one stored identifier is stored in the respective data module or function module. (Tanaka, methods as per claim 1).

### **Claim 3**

A method as claimed in claim 1, further comprising: updating the conversion table when there is a change in the function module or in the data module. (Tanaka, Figure 8 #83 with description col 3, lines 47-56 ).

### **Claim 4**

A method as claimed in claim 3, further comprising: sending a change message to the data processing unit or the operator and observation unit relevant to the update whenever the conversion table is updated. (Tanaka, Figure 8 #83 with description col 3, lines 47-56 ).

### ***Claim Rejections - 35 USC § 103***

9. Claims 5 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN# 5,539,909 Tanaka et al. issued July 23, 1996 and filed April 19, 1993 and CORBA from 1997 in view of the commercial product of Template Software called WFT as documented by the 1998 copyright manuals:

#### **Workflow Template Process Template**

- Using the WFT Development Environment (Env – not used currently in the rejection)

- Developing a WFT Workflow System (WFT)

**Examiner's rejection for claims 5 and 6**

Tanaka teaches the conversion table and operations associated with the conversion table (as per the rejection for claim 1). Tanaka does not explicitly teach the timestamp in a conversation table. It is WFT who teaches a timestamp (WFT, page 9-23, 9-34, 9-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Tanaka and add the timestamp of Template's WFT product because timestamp information allows for the ability to "monitor and manage" your system activities (WFT, page 9-2).

**Claim 5**

A method as claimed in claim 3, wherein each update of the conversion table comprises a respective time stamp or a version identifier.

**Claim 6**

A method as claimed in claim 5, wherein during a startup of the data processing unit or the operator and observation unit, the respective time stamp saved is queried and updated.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 7 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by

The limitations of claims 7 – 11 are anticipated by the limitations taught by Tanaka in claim 1 above.

**Claim 7**

Tanaka anticipates a method for processing data of a data processing system that includes a plurality of data processing units interconnected via a data transmission unit (Tanaka, as per claim 1), wherein each data processing unit has a data processing program with program modules (Tanaka, as per claim 1), wherein at least one respective identifier for each of the modules is stored for a respective one of the data processing units (Tanaka, figures of figure 5 as per claim 1), comprising:

supplying an external identifier from a sending data processing unit (Tanaka, as per claim 1 ), to access a program module of a receiving data processing unit (Tanaka, methods of claim 1 );  
converting the external identifier into an internal identifier of the receiving data

processing unit (Tanaka, as per claim 1);

comparing the converted internal identifier with other internal identifiers of the receiving data processing unit (Tanaka, as per claim 1); and

enabling the access to the program module of the receiving data processing unit only if the converted internal identifier corresponds with another of the internal identifiers of the receiving data processing unit (Tanaka, as per claim 1).

#### **Claim 8**

**Tanaka** anticipates a data processing system, comprising: a plurality of data processing units; a transmission link interconnecting the data transmission units (Tanaka, as per claim 1 ); and at least one component configured to receive an identifier from one of the data processing units in order to access a module of another of the data processing units (Tanaka, ), to convert the identifier into a converted identifier (Tanaka, as per claim 1), to compare the converted identifier with other identifiers of the other data processing unit (Tanaka, as per claim 1 ), and to enable the access to the program module of the other data processing unit only if the converted identifier corresponds with another of the identifiers of the other data processing unit (Tanaka, as per claim 1).

#### **Claim 9**

The data processing system according to claim 8, wherein the component is incorporated into the other data processing unit (Tanaka, method calls – messaging by definition as per claim 1 ).

#### **Claim 10**

The data processing system according to claim 9, wherein each of the data processing units comprises a respective one of the components (Tanaka, as per claim 1 ).

#### **Claim 11**

The data processing system according to claim 8, wherein the component comprises a conversion table converting the identifier into the converted identifier and an analysis module enabling the access to the program module based on a result of the comparison (Tanaka, as per claim 1 ).

#### ***Conclusion***

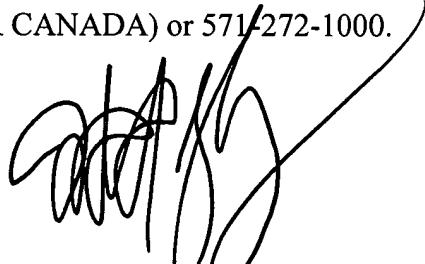
12. The recording of messages in an object oriented system reads on the independent claims. the ability to add timestamp information for management reporting is taught by Template. The Tanaka references mention the industry CORBA. Any amendments and/or arguments should be made in view of what one of ordinary skilled in the art should know about object oriented messaging and CORBA prior to invention.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571/272-1000.



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